

Bremerton ❖❖
Kitsap County
Health District

Scott W. Lindquist, MD, MPH, Director
109 Austin Drive
Bremerton, WA 98312

NOTICE AND ORDER TO CORRECT VIOLATION

CERTIFIED AND REGULAR MAIL

No.

May 16, 2002

Carina Trust c/o
Bill Nilles
12117 196th Ave. KPN
Gig Harbor, WA 98329

RE: BREMERTON AUTO WRECKING LANDFILL

Dear Mr. Nilles:

Violations of the Bremerton-Kitsap County Board of Health (BKCBH) Ordinance 2000-6, "Solid Waste Regulations", have been identified at the abandoned Bremerton Auto Wrecking Landfill (landfill) located at 4275 Highway 3 S.W., Port Orchard, WA. At this site, the landfill face has collapsed into the south fork of Gorst Creek and has released solid waste into the creek and the environment. The Bremerton-Kitsap County Health District (Health District) noted these violations during inspections conducted at the site on January 8th, 9th, and 10th, of 2002. Based on the Health District's records, this property is solely owned by you.

As noted by the Health District, the following provisions of these regulations have been violated:

Section IV.A.1: "Owner Responsibilities for Solid Waste". In part, this section states that the owner, operator or occupant of any premise, business establishment or industry shall be responsible for the satisfactory and legal handling and/or disposal of all solid waste generated by them or accumulated on the property. Additionally, this section states that all solid wastes must be stored in accordance with Section IV.A.2. (of these regulations) until removed to a permitted solid waste handling facility.

Section IV.A.5.a: "Disposal Generally". This section states that all solid wastes shall be disposed of at an appropriate solid waste handling facility permitted to receive such waste, or in a manner consistent with these regulations as approved by the Health Officer. Should a situation arise where disposal of solid waste is not covered under these

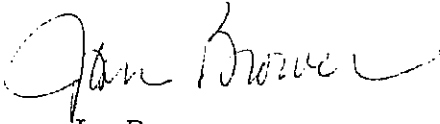
POULSBO ANNEX
Environmental Health Division
19540 Front Street
Mailing Address: P.O. Box 1076 - Poulsbo, WA 98370-0050
(360) 692-3611 FAX (360) 692-6684

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the environment by the release of chemicals and potentially hazardous materials that were disposed of in the landfill, and closure requirements for the landfill.

If you have any questions or require additional information regarding this notice and order, please contact either myself or Grant Holdercroft at (360) 692-3611.

Sincerely



Jan Brower
Program Manager
Solid & Hazardous Waste

cc: Ms. Lucille Uhinck
Mr. Larry Tucker, USN
Doug Pierce, WSDOT
Bill McKinney, City of Bremerton
Kathleen Cahall, City of Bremerton
Project File BAWL 1.6

(6) Recording with county auditor. Maps and a statement of fact concerning the location of the disposal site shall be recorded as part of the deed with the county auditor not later than three months after closure. Records and plans specifying solid waste amounts, location and periods of operation shall be submitted to the local zoning authority or the authority with jurisdiction over land use and be made available for inspection.

(7) State and local requirements. All solid waste disposal facilities shall comply with all state and local requirements such as zoning land use, fire protection, water pollution prevention, air pollution prevention, nuisance and aesthetics.

[Statutory Authority: RCW 70.95.215. 88-20-066 (Order 88-28), § 173-304-405, filed 10/4/88. Statutory Authority: Chapter 43.21A RCW. 85-22-013 (Order 85-18), § 173-304-405, filed 10/28/85.]

WAC 173-304-407 General closure and post-closure requirements. (1) Applicability. The requirements of subsections (2), (3), (4), and (5) of this section apply to all solid waste handling facilities. The requirements of subsections (6), (7), and (8) of this section apply to:

(a) Landfills subject to WAC 173-304-460 including limited purpose landfills under WAC 173-304-460(5);

(b) Surface impoundments under WAC 173-304-430 (2)(g) closed with waste remaining in place;

(c) Woodwaste landfills under WAC 173-304-462; and

(d) Landspreading disposal facilities under WAC 173-304-450(2).

(2) Effective dates. Existing facilities subject to the requirements of this section shall meet the applicable facility standards of this section within twelve months of the effective date of this regulation. All new or expanded facilities subject to the requirements of this section shall meet the applicable facility standards on the effective date of this regulation.

(3) Closure performance standard. Each owner or operator shall close their facility in a manner that:

(a) Minimizes the need for further maintenance;

(b) Controls, minimizes, or eliminates threats to human health and the environment from post-closure escape of solid waste constituents, leachate, landfill gases, contaminated rainfall or waste decomposition products to the ground, ground water, surface water, and the atmosphere; and

(c) Prepares the facility for the post-closure period.

(4) Closure plan and amendment(s). Closure as defined in WAC 173-304-100(11), includes but is not limited to grading, seeding, landscaping, contouring, and/or screening. For interim solid waste handling sites, closure includes waste removal and decontamination of the site.

(a) Each owner or operator shall develop, keep and abide by a plan of closure approved by the jurisdictional health department as part of the permitting process in WAC 173-304-600.

(b) The closure plan shall project time intervals at which sequential partial closure is to be

implemented, and identify closure cost estimates and projected fund withdrawal intervals for the associated closure costs, from the approved financial assurance instrument.

(c) Each owner or operator shall not commence disposal operations in any part of a facility until a closure plan for the entire facility has been approved by the jurisdictional health department, and until a financial assurance instrument has been provided, as required by applicable laws and regulations.

(d) The jurisdictional health department shall approve, disapprove, or require amendment of the closure plan as part of the permitting process of WAC 173-304-600 in accordance with applicable laws and regulations.

(e) Each owner and operator shall close the facility in accordance with the approved closure plan and all approved amendments.

(5) Closure procedures.

(a) Each owner and operator shall notify the jurisdictional health department and where applicable, the financial assurance instrument trustee, of the intent to implement the closure plan in part or whole, no later than one hundred eighty days prior to the projected final receipt of waste at the entire facility unless otherwise specified in the closure plan.

(b) The owner or operator shall commence implementation of the closure plan in part or whole within thirty days after receipt of the final volume of waste and/or attaining the final landfill elevation at part of or at the entire facility as identified in the approved facility closure plan unless otherwise specified in the closure plan.

(c) Waste shall not be accepted for disposal or for use in closure except as identified in the closure plan approved by the jurisdictional health department, as required in subsection (3)(a) of this section.

(d) When facility closure is completed in part or whole, each owner and operator shall submit the following to the jurisdictional health department:

(i) Facility closure plan sheets signed by a professional engineer registered in the state of Washington and modified as necessary to represent as-built changes to final closure construction as approved in the closure plan;

(ii) Certification by the owner or operator, and a professional engineer registered in the state of Washington that the site has been closed in accordance with the approved closure plan.

(e) The jurisdictional health department shall notify the owner or operator and the department of ecology of the date when the facility post-closure period has begun, which period shall commence when the jurisdictional health department has verified the facility has been closed in accordance with the specifications of the approved closure plan and the closure requirements of this section.

(6) Post-closure performance standard. Each owner or operator shall provide post-closure activities to allow for continued facility maintenance and monitoring of air, land, and water as long as necessary for the facility to stabilize and to protect human health and the environment.

(7) Post-closure plan and amendment. For disposal facilities; post-closure includes ground water monitoring; surface water monitoring; gas monitoring; and maintenance of the facility, facility structures, and monitoring systems for their intended use for a period of twenty years and any other

activities deemed appropriate by the jurisdictional health department.

(a) Each owner or operator shall develop, keep and abide by a post-closure plan approved as a part of the permitting process in WAC 173-304-600. The post-closure plan shall address facility maintenance and monitoring activities for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production or leachate generation), and monitoring of ground water, surface water, and gases can be safely discontinued.

(b) The post-closure plan shall project time intervals at which post-closure activities are to be implemented, and identify post-closure cost estimates and projected fund withdrawal intervals from the selected financial assurance instrument, where applicable, for the associated post-closure costs.

(c) Each owner or operator shall not commence disposal operations in any part of a facility until a post-closure plan for the entire facility has been approved by the jurisdictional health department, and until a financial assurance instrument has been provided where applicable, as required by WAC 173-304-467.

(d) Each owner or operator shall complete the post-closure activities in accordance with the approved post-closure plan and schedule. Facility post-closure activities shall be completed in accordance with the approved post-closure plan or the plan shall be so amended with the approval of the jurisdictional health department.

(e) The jurisdictional health department may determine that a facility post-closure plan is invalid and require an owner or operator to amend the facility post-closure plan.

(i) The health department may direct facility post-closure activities, in part or whole, to cease until the post-closure plan amendment has received written approval by the health department.

(ii) When the health department determines a facility post-closure amendment is required, the health department shall, after consultation with the owner/operator, designate a compliance schedule for submittal of the amendment and its review and approval by the department.

(8) Post-closure procedures.

(a) Each owner or operator shall commence post-closure activities after completion of closure activities outlined in subsection (5)(d)(i) and (ii) of this section. The jurisdictional health department may direct that post-closure activities cease until the owner or operator receives a notice to proceed with post-closure activities.

(b) When post-closure activities are complete, the owner or operator shall certify to the jurisdictional health department, signed by the owner or operator, and a professional engineer registered in the state of Washington stating why post-closure activities are no longer necessary (i.e., little or no settlement, gas production, or leachate generation).

(c) If the jurisdictional health department finds that post-closure monitoring has established that the facility is stabilized (i.e., little or no settlement, gas production, or leachate generation), the health department may authorize the owner or operator to discontinue post-closure maintenance and monitoring activities.

